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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SHAMELLE R. MORRIS, Plaintiff, vs. HOMECOMINGS FINANCIAL, LLC; WACHOVIA DEALER SERVICES, Defendants.	Case No. 07 CV 2122 L (NLS) [Honorable M. James Lorenz] **DEFENDANT HOMECOMINGS FINANCIAL, LLC'S NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT OR ALTERNATIVELY, REQUEST FOR A MORE DEFINITE STATEMENT** [FRCP RULES 12(b)(6), 12(e)] DATE: January 28, 2008 TIME: 10:30 a.m. PLACE: Courtroom 14

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 28, 2008, at 10:30 a.m., or as soon thereafter as the matter may be heard before Judge M. James Lorenz, at the United States District Court, Southern District of California, located at 940 Front Street, San Diego, CA 92101-8900, Defendant Homecomings Financial, LLC ("Homecomings") will, and hereby does, move to dismiss Plaintiff Shamelle Morris ("Plaintiff")'s Complaint or alternatively, requests a more definite statement.

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This motion is made pursuant to RULES 12(b)(6) and 12(e) of the FEDERAL RULES OF CIVIL PROCEDURE because the Complaint is so vague and ambiguous that Homecomings cannot reasonably frame a reply and because each and every potential claim directed at Homecomings fails to state a claim upon which relief can be granted. Specifically, Plaintiff has failed to either allege a recognized claim or allege facts to fulfill each element of the claims she might be asserting: 1) Quiet Title; 2) the Truth In Lending Act ("TILA"), 15 U.S.C. §1601 *et seq.;* 3) Domestic Mixed War; 4) Conspiracy; 5) Treason; 6) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961 *et seq*.; 7) Rescission/Breach of Contract; and 8) Fraud. Plaintiff's complaint is an unintelligible stream of consciousness; it is hard to decipher what claims she is actually bringing.

This motion is based upon this notice of motion and motion, the accompanying memorandum of points and authorities, the pleadings and papers on file in this action, and on such further oral and documentary evidence as may be presented at the hearing of this motion.

DATED: December 11, 2007

By /s/ Frederick A. Haist
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